

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

RESIDENTIAL CAPITAL, LLC, et al) Case No. 12-12020 (MG)
)
) CHAPTER 11
Debtors.)
) Jointly Administered

**OPPOSITION TO OBJECTION AND REQUEST FOR DISALLOWANCE AND
EXPUNGEMENT**

Comes now TRACEY J. MARSHALL (Creditor) by and through her attorney Peter C. Tashjian in support of Creditor's opposition to Debtor's objection to Creditor's claim (#5726) in the amount of \$25,252.38, on the basis that the claim was 'late filed' in the above entitled action, and declares as follows:

1. That this matter has been properly brought before this court, as Creditor has a valid claim in bankruptcy which arises from acts and transactions which occurred prior to the relevant filing date;
2. That Creditor submitted a timely Proof of Claim in accordance with the stated deadline of 16 November 2012 on or before 4PM, to wit, via US Post Office Express Mail on 15 November 2012, which was guaranteed to be delivered and was so delivered in a timely manner; and
3. That the claim was processed by Debtor, and not received, on 19 November 2012, as alleged.

WHEREFORE Creditor respectfully requests that the Proof of Claim be properly considered as timely filed, and that the matter be called on for hearing on 15 July 2013.

Respectfully submitted
on this 8th day of July 2013

/s/ Peter C. Tashjian

Peter C. Tashjian (RIBAR # 8430)
1745 Main Road, Tiverton, RI 02878
(401) 624-9200 / 477-2833

CERTIFICATION

I hereby certify that I filed this notice of Opposition and supporting affidavit via CMECF with the Honorable Martin Glenn, and faxed/mailed a copy of same to the ResCap Processing Center, c/o KCC, PO Box 5004, Hawthorne, California 90250; to Morrison & Foerster, 1290 Avenue of the Americas, New York, NY 10104, Attn Gary Lee, Norman Rosenbaum and Jordan Wishnew (Attorneys for the Debtors); and to Kramer Levin Naftalis & Frankel, 117 Avenue of the Americas, New York, NY 10036, Attn Kenneth Eckstein and Douglas Mannal, (Attorneys for the Official Committee of Unsecured Creditors), on this 8th day of July 2013.

/s/ Peter C. Tashjian

Peter C. Tashjian, Esq

**UNITED STATES BANKRUPTCY COURT
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In re:

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**AFFIDAVIT IN SUPPORT OF OPPOSITION TO OBJECTION AND REQUEST FOR
DISALLOWANCE AND EXPUNGEMENT**

Comes now attorney Peter C. Tashjian for the Creditor TRACEY J. MARSHALL (Creditor) in the above entitled action, and declares as follows:

1. That Creditor's Proof of Claim (#5726) in the amount of \$25,252.38, was not 'late filed' as alleged by Debtor;
2. That Creditor submitted a timely Proof of Claim in accordance with the instructions and stated deadline of 16 November 2012 on or before 4PM, to wit, to the designated US Post Office Box, via US Post Office Express Mail on 15 November 2012, which was guaranteed to be delivered before 1PM on 16 November 2012;
3. That the said claim was delivered in a timely manner; and
4. That the recording of the claim as being received on 19 November 2012, was due to processing delays on the part of the Debtor.

Respectfully submitted
on this 8th day of July 2013

/s/ Peter C. Tashjian

Peter C. Tashjian (RIBAR # 8430)
1745 Main Road, Tiverton, RI 02878
(401) 624-9200 / 477-2833

CERTIFICATION

I hereby certify that I filed this Affidavit via CMECF with the Honorable Martin Glenn, and faxed/mailed a copy of same to the ResCap Processing Center, c/o KCC, PO Box 5004, Hawthorne, California 90250; to Morrison & Foerster, 1290 Avenue of the Americas, New York, NY 10104, Attn Gary Lee, Norman Rosenbaum and Jordan Wishnew (Attorneys for the Debtors); and to Kramer Levin Naftalis & Frankel, 117 Avenue of the Americas, New York, NY 10036, Attn Kenneth Eckstein and Douglas Mannal, (Attorneys for the Official Committee of Unsecured Creditors), on this 8th day of July 2013

/s/ Peter C. Tashjian

Peter C. Tashjian, Esq